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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,330	08/09/2000	Luis Eduardo Gutierrez-Sheris	25153-003	5198

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NEW YORK, NY 10036

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/635,330	GUTIERREZ-SHERIS, LUIS EDUARDO	
	Examiner	Art Unit	
	Stefano Karmis	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed on 30 May 2006.

Status of Claims

2. Claims 1-7 and 9-17 are originally filed. Claims 8 and 18-61 are previously presented. Therefore claims 1-61 are currently pending.

Response to Arguments

3. Applicant's arguments filed 30 May 2006 have been fully considered and are persuasive. O'Leary et al. does not qualify as prior art because the provisional application relied upon was filed after the effective date of the instant application established in a previous 1.131. Therefore claims 1-61 stand rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downing et al. (hereinafter Downing) U.S. Patent 5,963,647 in view of Risafi et al. (hereinafter Risafi) U.S. Patent 6,473,500 in further view of Tedesco et al. (hereinafter Tedesco) U.S. Patent 6,085,888.

Regarding claims 1, 8, 14, 18 and 24, Downing teaches a method for transferring a sum of money from a customer to a beneficiary via a money-transfer company, a network of money dispensing machines and corresponding personal codes capable of selective operations of said money dispensing machines, said method comprising: collecting said sum of money, via said money-transfer company, from a customer for transfer to a beneficiary (column 6, lines 18-47 and column 10, lines 37-63) and providing said beneficiary with a unique device pick-up code (column 7, lines 6-17). Downing then teaches that the recipient uses another CAT machine to receive the funds. While the CAT machines have card readers (column 4, lines 61-67), it is not required that the recipient use a card to access the funds. Therefore Downing fails to teach obtaining a money pick-up device from a distributor and activating the money pick up device to receive the funds.

Risafi teaches that a card can be used to transfer money (column 9, lines 51-57). Risafi teaches cards can be purchased at a point of sale location, at an ATM, at any designated/approved card-dispensing device or from a card issuer or designated agent of the card issuer (column 6, lines 47-57). Risafi also teaches that a program sponsor can cause the card to be issued on behalf of a card user and assign a PIN to the card (column 6, lines 48-64). Risafi teaches that issuers or agents can sell or distribute card to card users or they can be obtained at a standalone terminal (column 10, lines 1-31). The cards can be acquired for the purpose of withdrawing cash (column 10, lines 32-35). Risafi and Downing fail to teach that the personal code is used for obtaining a money pick up device.

Tadesco teaches a method and apparatus for establishing and managing vending machines in which items may be purchased from a vending machine by entering an identification code (column 4, lines 13-28). Therefore it would have been obvious to one of ordinary skill in the art, that the teachings of Downing and Risafi could have been modified to include a pick-up code entered into a vending machine as taught by Tadesco because it would provide an efficient manner for the intended beneficiary to obtain the money pick-up device to be delivered by entering the pick-up code received from the sender during an electronic transfer of funds. Furthermore, there is sufficient motivation to combine the teachings of Downing with Risafi because Downing teaches that recipient may also receive funds at a particular destination in other ways, for example through a branch location (column 12, lines 10-15).

Claims 2, 9, 25, 27 and 29, Downing fails to teach obtaining a money pick-up device with a personal code. Risafi teaches obtaining cards with a personal code that is pre-assigned (column 6, lines 48-64). Therefore it would have been obvious to one of ordinary skill in the art, that the teachings of Downing and Risafi could have been modified to include a pick-up code entered into a vending machine as taught by Tadesco because it would provide an efficient manner for the intended beneficiary to obtain the money pick-up device to be delivered by entering the pick-up code received from the sender during an electronic transfer of funds. Furthermore, there is sufficient motivation to combine the teachings of Downing with Risafi because Downing teaches that recipient may also receive funds at a particular destination in other ways, for example through a branch location (column 12, lines 10-15).

Claims 3-5 and 10-12, Downing teaches a method and system for transferring funds from an account to an individual in which a beneficiary utilizes a reference number and secret code provided by the sender to access the transferred funds (column 7, lines 29-42).

Claims 6, 13 and 16, Downing fails to teach obtaining a money pick-up device with a personal code and activating the device. Risafi teaches activating of money pick-up device (column 10, lines 32-67).

Claims 7 and 17, Downing teaches that the money dispensing devices are ATM machines (column 4, lines 47 thru column 5, line 6).

Claims 19, 20 and 26, Downing teaches a method and system for transferring funds from an account to an individual in which a beneficiary utilizes a reference number and secret code provided by the sender to access the transferred funds (column 7, lines 29-42).

Claim 21, Downing teaches a method and system for transferring funds from an account to an individual in which a beneficiary utilizes a reference number and secret code provided by the sender to access the transferred funds (column 7, lines 29-42). Risafi teaches providing the recipient with a PIN after and the dispensing money step is carried out only upon receipt by the money dispensing machine of the personal code (column 10, lines 1-31). Therefore it would have been obvious to one of ordinary skill in the art, that the teachings of Downing and Risafi could have been modified to include a pick-up code entered into a vending machine as taught by Tadesco because it would provide an efficient manner for the intended beneficiary to obtain the money pick-up device to be delivered by entering the pick-up code received from the sender during an electronic transfer of funds. Furthermore, there is sufficient motivation to combine the teachings of Downing with Risafi because Downing teaches that recipient may also receive funds at a particular destination in other ways, for example through a branch location (column 12, lines 10-15).

Claims 22 and 28, Risafi teaches supplying the activated card to the recipient (column 19, lines 28-46).

Claim 23, Tadesco teaches a method and apparatus for establishing and managing vending machines in which items may be purchased from a vending machine by entering an identification code (column 4, lines 13-28). It would have been obvious to one of ordinary skill in the art, that the teachings of Downing and Risafi could have been modified to include a pick-up code entered into a vending machine as taught by Tadesco because it would provide an efficient manner for the intended beneficiary to obtain the money pick-up device securely by entering the pick-up code received from the sender during an electronic transfer of funds.

Claims 30-32, Risafi teaches the step of activating one of said money pick-up devices includes the step of the distributor selecting a money pick-up device from an inventory of money-pick up devices, and activating the money pick-up devices selected from the inventory (column 10, lines 33-67).

Claims 33, 42 and 51 Downing teaches a method for transferring a sum of money from a customer to a beneficiary via a money-transfer company, a network of money dispensing machines and corresponding personal codes capable of selective operations of said money dispensing machines, said method comprising: receiving by a recipient the funds-access code associated with a financial instrument (column 7, lines 6-17). Downing then teaches that the recipient uses another CAT machine to receive funds. While the CAT machines have card readers (column 4, lines 61-67), it is not required that the recipient use a card to access the funds. Therefore Downing fails to teach obtaining a money pick-up device from a distributor and activating the money pick up device to receive the funds.

Risafi teaches that a card can be used to transfer money (column 9, lines 51-57). Risafi teaches cards can be purchased at a point of sale location, at an ATM, at any designated/approved card-dispensing device or from a card issuer or designated agent of the card issuer (column 6, lines 47-57). Risafi also teaches that a program sponsor can cause the card to be issued on behalf of a card user and assign a PIN to the card (column 6, lines 48-64). Risafi teaches that issuers or agents can sell or distribute cards to card-users or they can be obtained at a standalone terminal (column 10, lines 1-31). The cards can be acquired for the purpose of withdrawing cash (column 10, lines 32-35). Risafi and Downing fail to teach that the personal code is used for obtaining a money pick up device.

Tadesco teaches a method and apparatus for establishing and managing vending machines in which items may be purchased from a vending machine by entering an identification code (column 4, lines 13-28). Therefore it would have been obvious to one of ordinary skill in the art, that the teachings of Downing and Risafi could have been modified to include a pick-up code entered into a vending machine as taught by Tadesco because it would provide an efficient manner for the intended beneficiary to obtain the money pick-up device to be delivered by entering the pick-up code received from the sender during an electronic transfer of funds. Furthermore, there is sufficient motivation to combine the teachings of Downing with Risafi because Downing teaches that recipient may also receive funds at a particular destination in other ways, for example through a branch location (column 12, lines 10-15).

Claims 34, 43 and 52, Downing teaches the financial instrument is an instrument representative of a funds-transfer (column 5, lines 16-22).

Claims 35, 44 and 53, Risafi teaches that the cards can be obtained via a check.

Downing, Risafi and Tadesco fail to teach the funds-access code is the check number. Official Notice is taken that check numbers are old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Downing, Risafi and Tadesco and include the check number as the funds-access code because it is a unique number that can be used to identify the transaction.

Claims 36-39, 45-48 and 54-59, Downing fails to teach accessing the funds using a card. Risafi teaches using a card for money transfer techniques wherein the card can be used at an ATM. Tadesco further teaches obtaining cards from vending machines using codes. Therefore it would have been obvious to one of ordinary skill in the art, that the teachings of Downing and Risafi could have been modified to include a pick-up code entered into a vending machine as taught by Tadesco because it would provide an efficient manner for the intended beneficiary to obtain the money pick-up device to be delivered by entering the pick-up code received from the sender during an electronic transfer of funds. Furthermore, there is sufficient motivation to combine the teachings of Downing with Risafi because Downing teaches that recipient may also receive funds at a particular destination in other ways, for example through a branch location (column 12, lines 10-15).

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Claims 40, 41, 49, 50, 60 and 61, Downing teaches specifying a selected recipient and associating the financial instrument with the recipient (column 7, lines 6-41).

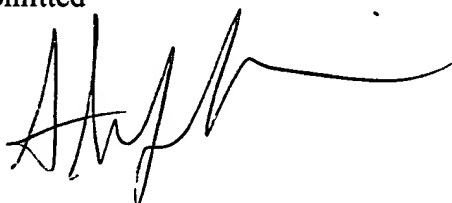
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
21 August 2006



CHARLES R. KYLE
PRIMARY EXAMINER

